

HOUSE No. 1356

By Mr. Quinn of Dartmouth, petition of John F. Quinn relative to agricultural crop and property destruction. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO AGRICULTURAL CROP AND PROPERTY DESTRUCTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 242 of the General Laws, as appearing in the 2000
2 Official Edition, is hereby amended by inserting after section 7A
3 thereof the following new section:—

4 Section 7B. Field crop product and agricultural property
5 destruction.

6 (a) Any person who, without permission of the owner, willfully
7 and intentionally removes, damages, or destroys a field crop
8 product and agricultural property situated on the land of another
9 shall be liable to the owner of such product in tort.

10 (b) A party recovering judgment under this section shall be
11 entitled to an award of damages in an amount up to, but not
12 greater than, three times the amount assessed for the removal,
13 damage or destruction of the farm crop product and agricultural
14 property, plus attorney fees and litigation costs. In assessing dam-
15 ages under this subsection, the courts shall consider the market
16 value of the field crop product and agricultural property prior to
17 its removal, damage or destruction, and all costs directly related to
18 the production, research, testing, replacement and development of
19 the field crop product and agricultural property.

20 (c) Damages awarded under this section shall not limit reme-
21 dies available under chapter 266 or under any other applicable
22 local, state or federal laws.

23 (d) Liability under this section shall not apply to any federal,
24 state or local government agency, including the department of
25 agricultural resources, or to any employee of any such agency
26 acting in the course of their employment.

27 (e) For purposes of this section, a “field crop product” shall
28 mean any product of the soil that is grown in the context of a
29 research or product development program in conjunction or coordi-
30 nation with a private research facility or a university or any fed-
31 eral, state or local governmental agency or any crop produced for
32 commercial purposes on an agricultural operation as defined by
33 M.G.L. chapter 128 Section 1A.

34 (f) For purposes of this section, an “agricultural property” shall
35 mean any implement of husbandry, structure used for the con-
36 veyance of water, or structure used in the production, growing,
37 processing of field crop products or keeping and raising of live-
38 stock.